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## **FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY REGULATION**

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### **Schedule of Maximum Fees**

### **Definitions**

**1** In this regulation:

**"Act"** means the *Freedom of Information and Protection of Privacy Act*;

**"commercial applicant"** means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit;

**"health professional"** means a medical practitioner, psychologist, registered nurse or registered psychiatric nurse.

### **Oral requests**

- 2** An applicant may make an oral request for access to a record if
  - (a) the applicant's ability to read and write English is limited, or

(b) the applicant has a physical disability that impairs his or her ability to make a written request.

#### **Who can act for young people and others**

**3** The right to access a record under section 4 of the Act, the right to request correction of personal information under section 29 of the Act or the right to consent to disclosure of personal information under section 33 of the Act may be exercised as follows:

(a) on behalf of an individual under 19 years of age, by the individual's parent or guardian if the individual is incapable of exercising those rights;

(b) on behalf of an individual who has a committee, by the individual's committee;

(c) on behalf of a deceased individual, by the deceased's nearest relative or personal representative.

#### **Anthropological and heritage sites**

**4** For the purposes of section 18 of the Act,

(a) a site has anthropological value if it contains an artifact or other physical evidence of past habitation or use that has research value, and

(b) a site has heritage value if it is the location of a traditional societal practice for a living community or it has historical, cultural, aesthetic, educational, scientific or spiritual meaning or value for the Province or for a community, including an aboriginal people.

#### **Disclosure of health care information**

**5** (1) The head of a public body may disclose information relating to the mental or physical health of an individual to a health professional for an opinion on whether disclosure of the information could reasonably be expected to result in grave and immediate harm to the individual's safety or mental or physical health.

(2) A health care professional to whom information is disclosed under subsection (1) must not disclose or use the information except for the purposes described in that subsection.

(3) The head of a public body may require a health professional to whom information is disclosed under this section to do either or both of the following:

(a) to enter into a confidentiality agreement;

(b) to examine the record containing the information on the public body's premises.

(4) If a copy of a record containing information relating to the mental or physical health of an individual is forwarded to a health professional for examination, the health professional must return the record to the head of the public body after giving the opinion.

(5) The head of a public body may recommend that an applicant who makes a request for access to a record containing information relating to the applicant's mental or physical health should not examine the record until a health professional or a member of the applicant's family is present to assist the applicant in understanding the information in the record.

#### **Consent to the disclosure of personal information**

**6** The consent of an individual to a public body disclosing any of the individual's personal information under section 33 (b) of the Act must

(a) be in writing, and

(b) specify to whom the personal information may be disclosed and how the personal information may be used.

#### **Fees**

**7** The maximum fees for services provided to different categories of applicants are set out in the Schedule to this regulation.

#### **Schedule of Maximum Fees**

1 For applicants other than commercial applicants:

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|--|--|
| (a) for locating and retrieving a record | \$7.50 per 1/4 hour after the first 3 hours, |
| (b) for producing a record manually      | \$7.50 per 1/4 hour,                         |

(c) for producing a record from a machine readable record	\$16.50 per minute for cost of use of central mainframe processor and all locally attached devices plus \$7.50 per 1/4 hour for developing a computer program to produce the record,
(d) for preparing a record for disclosure and handling a record	\$7.50 per 1/4 hour,
(e) for shipping copies	actual costs of shipping method chosen by applicant,
(f) for copying records	
(i) photocopies and computer printouts	\$.25 per page (8.5" x 11", 8.5" x 14") \$.30 per page (11" x 17"),
(ii) floppy disks	\$10.00 per disk,
(iii) computer tapes	\$40.00 per tape, up to 2400 feet,
(iv) microfiche	\$10.00 per fiche,
(v) 16 mm microfilm duplication	\$25.00 per roll,
(vi) 35 mm microfilm duplication	\$40.00 per roll,
(vii) microfilm to paper duplication	\$.50 per page,
(viii) photographs - (colour or black and white)	\$5.00 to produce a negative \$12.00 each for 16" x 20" \$9.00 each for 11" x 14" \$4.00 each for 8" x 10" \$3.00 each for 5" x 7",
(ix) photographic print of textual, graphic or cartographic record (8" x 10" black and white)	\$12.50 each,

(x)	hard copy laser print, B/W, 300 dots/inch	\$.25 each,
(xi)	hard copy laser print, B/W, 1200 dots/inch	\$.40 each,
(xii)	hard copy laser print, colour	\$1.65 each,
(xiii)	photomechanical reproduction of 105 mm cartographic record/plan	\$3.00 each,
(xiv)	slide duplication	\$.95 each,
(xv)	plans	\$1.00 per square metre,
(xvi)	audio cassette duplication	\$10.00 plus \$7.00 per 1/4 hour of recording,
(xvii)	video cassette (1/4" or 8 mm) duplication	\$11.00 per 60 minute cassette plus \$7.00 per 1/4 hour of recording; \$20.00 per 120 minute cassette plus \$7 per 1/4 hour of recording,
(xviii)	video cassette (1/2") duplication	\$15.00 per cassette plus \$11.00 per 1/4 hour of recording, and
(xix)	video cassette (3/4") duplication	\$40.00 per cassette plus \$11.00 per 1/4 hour of recording.
2	For commercial applicants for each service listed in item 1	the actual cost of providing that service.

[Provisions of the *Freedom of Information and Protection of Privacy Act*, R.S.B.C. 1996, c. 165, relevant to the enactment of this regulation: section 76]